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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/501,728	02/10/2000	Hiroshi Yamamoto	B208-1077	4301

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EXAMINER

NGUYEN, CHANH DUY

ART UNIT

PAPER NUMBER

2675

DATE MAILED: 12/18/2002

7

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	09/501,728	YAMAMOTO, HIROSHI
	Examiner	Art Unit
	Chanh Nguyen	2675

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1) Responsive to communication(s) filed on 03 October 2002.

2a) This action is **FINAL**.      2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

4) Claim(s) 1-18 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 1-18 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) The proposed drawing correction filed on \_\_\_\_\_ is: a) approved b) disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12) The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some \* c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) The translation of the foreign language provisional application has been received.

15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____.
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.	6) <input type="checkbox"/> Other: _____

**DETAILED ACTION**

***Response to Amendment***

1. The amendment filed on October 3, 2002 has been entered and considered by examiner.

***Priority***

1. Acknowledgment is made of applicant's claim for foreign priority based on an application filed in the declaration on August 3, 2000. It is noted, however, that applicant has not filed a certified copy of the foreign application as required by 35 U.S.C. 119(b).

***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Thayer et al (U.S. Patent No. 5,554,912) in view of Schug (U.S. Patent No. 6,339,429)

As to claim 1, Thayer discloses a display apparatus including adjustment means (30, 32, 38) for adjusting a plurality of setting values (brightness levels). Since Thayer's display apparatus is vehicle instrument display apparatus, both an operator's eyes (left and right eyes) can view the image. It is clear that if the ambient light is changed, the brightness between the instrument display panel and the operator eyes will be changed. Thus, using the brightness control system of Thayer to change the

brightness of the display based on the ambient light reads on the claimed "suited to a brightness between said display means and right and left eyes of a user". The only thing Thayer does not teach is a mode display means. Schug teaches mode display means (CD, DVD, APS cartridge) capable of changing over a plurality of display modes (e.g., pictures accessed from CD, movies accessed from DVD and etc ); see column 7, lines 11-26. It is clear that the display modes (picture, movies) of Schug are totally different from the brightness levels. Schug clearly teaches using ambient light detector to change the display resolution or turning off the display; see column 10, lines 17-35. This reads on the claimed limitation ""mode display means has a display mode suited to a brightness between the display means and right and left eyes of a user". Therefore, it would have been obvious to one of ordinary skill in the art at the invention was made to have added the mode display means of Schug to the display system of Thayer so that a viewer can view different display modes such still picture or movie pictures.

As to claim 8, this claim differs from claim 1 in that claim 8 is method claim whereas claim 1 is apparatus claim. Moreover, it appears that claim 8 is broader than claim 1 since it deletes the limitation "differ". Thus, claim 8 is analyzed as previously discussed with respect to claim 1 above.

As to claim 9, this claim differs from claim 1 in that the limitation "a storage medium" is recited in preamble of claim 9. This limitation is clearly taught by both Thayer and Schug since both use computer to access the image for displaying on the screen.

As to claim 10, this claim differs from claim 1 in that the limitation "head-mounted" is recited in the preamble of claim 10. Thayer clearly teaches a head-mounted display; see column 3, lines 40-53.

As to claims 2-7 and 11-12, these claims are met by Thayer and Schug as previously discussed with respect to claims 1 and 8-10 above.

4. Claims 13-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over in Thayer in view of Tabata (U.S. Patent No. 5,781,165).

As to claim 13, note the discussion of Thayer above, Thayer discloses a display apparatus as recited in claim 13 with exception of describing a left eye display means and a right eye display means. For example, Thayer teaches detecting means (28) for detecting brightness of surrounding of the display apparatus (e.g., ambient light) and control means (30, 32, 38) for varying the display state (brightness levels) in according the brightness detected by the detecting means (28). Tabata teaches left-eye display means (7L), right -eye display means (7R). It is clear that the image displaying state of the right-eye display means and the video image displaying state of the left-eye state independently each other because Tabata shows the displayed image on the right screen shifted to the left hand and the displayed image on the left screen shifted to right hand. Thus, both screens are not dependent each other. That is, if one moves to right, then another one moves left. They do not move the same direction or the display states are different and independent from each other. Therefore, it would have been obvious to one of ordinary skill in the art at the invention was made to have used the left-eye and

right eye display means as taught by Tabata to the head-mounted display system of Thayer so that a viewer can either see the image on the windshield or on the goggle.

As to dependent claims 14-18, the limitations recited in the dependent claims 14-18 are met by Thayer and Tabata as previously discussed with respect to independent claim 13 above.

#### ***Response to Arguments***

5. Applicant's arguments with respect to claims 1-18 have been considered but are moot in view of the new ground(s) of rejection.

In view of amendment, the reference of Thayer has been added for new ground of rejection. The limitation " suited a brightness between said display means and right and left eyes of a user" is so broad that it reads on that the ambient light affects the ability of an operator to view the image, then the change the brightness of the display would suit to a brightness between the display and user's eyes as taught by Thayer. For example, there is no brightness between the display and the user's eyes if the brightness of the display is too dark because the user's eyes cannot view the image, and there is a good brightness between the display and the user's eyes so that the user can view the image only if the brightness of the display is adjusted based on the ambient light condition.

#### ***Conclusion***

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

### **Inquiries**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chanh Nguyen whose telephone number is (703) 308-6603.

If attempts to reach the examiner by telephone are unsuccessful, the examiner supervisor, Steven Saras can be reached at 305-9720.

### **Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks

Washington, D.C. 20231

**or faxed to:**

**(703) 872-9314 (for Technology Center 2600 only)**

Hand-delivered responses should be brought to Crystal Park II, 2121  
Crystal Drive, Arlington, VA, Sixth Floor (Receptionist)  
  
Any inquiry of a general nature or relating to the status of this application or  
proceeding should be directed to the Technology Center 2600 Customer Service Office  
whose telephone number is (703) 306-0377.

*CN*  
C.Nguyen  
December 8, 2002

*Chanh Nguyen*  
CHANH NGUYEN  
PRIMARY EXAMINER